



U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-09949

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November 14, 2014

*By Certified Mail*

Judge Bernard A. Friedman  
U.S. District Court for the Eastern District of Michigan  
Theodore Levin U.S. Courthouse  
231 W. Lafayette Blvd., Room 101  
Detroit, Michigan 48226

FILED  
NOV 18 2014  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN MICHIGAN

Re: *United States v. DTE Energy Co., et al., No. 10-13101 (E.D. Michigan)*

Dear Judge Friedman:

This is to notify you that the Department of Justice inadvertently provided outside counsel for the Sierra Club with an unredacted copy of the deposition of one of DTE Energy's experts in this matter, Jerry Golden, which contains material that the company claims as confidential business information (CBI). Sierra Club is a party to this case and has signed the protective order regarding confidential information entered by this Court, so we believe there is no concern in sharing Mr. Golden's deposition with Sierra Club. However, we understand that the particular counsel who received the deposition is not counsel in this case. For that reason, out of abundance of caution, we have requested and obtained the *return of the deposition*.

Upon discovering that the unredacted deposition had been provided to the Sierra Club, we immediately notified counsel for DTE Energy of the disclosure; retrieved all copies of the Protected Material and asked the Sierra Club to destroy any notes or copies in electronic format; and informed the Sierra Club of the terms of the Protective Order. We also took the additional step of having the two Sierra Club lawyers who received the deposition transcript sign and return to us the Confidentiality Agreement Pursuant to the Protective Order. Other than clerical personnel who did not read the transcript, Sierra Club's lawyer informs us that no one else was provided with a copy of the Golden deposition transcript.

We believe that we have fully complied with the terms of the Protective Order, and even though the Protective Order does not require it, we decided to notify you of this circumstance out of an abundance of caution.

Sincerely,

/s/Thomas A. Benson  
Thomas A. Benson

Senior Attorney

CC (via email): Mark Bierbower, Hunton & Williams  
F. William Brownell, Hunton & Williams  
Michael Solo, DTE Energy  
Mary Whittle, Sierra Club